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8

9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**
10

11 In the Matter of

12 **Lai Le,**

13 Holder of License No. T016875
As a Pharmacy Technician
14 In the State of Arizona

Board Case No. 15-0001-PHR

**CONSENT AGREEMENT
FOR CONTINUING EDUCATION
and CIVIL PENALTY**

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16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Lai Le ("Respondent"), holder
19 of Pharmacy Technician License Number T016875 in the State of Arizona, and the Board
20 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
21 ("Consent Agreement") as a final disposition of this matter.

22 **RECITALS**

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 complaint number 4333 involving allegations of unprofessional conduct against
13 Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.


12 10. If a court of competent jurisdiction rules that any part of this Consent
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(C) (16), -1927.01(A) (1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.
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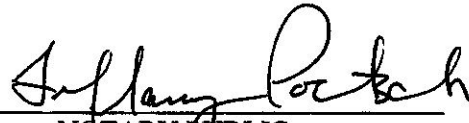
1 ACCEPTED AND AGREED BY RESPONDENT

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3 
4 Lai Le

Dated: 02/04/2015

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 04 day of February, 2014, by Lai Le.




NOTARY PUBLIC

My Commission expires: January 09, 2019

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number T016875 to practice as a
14 pharmacy technician in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a
16 pharmacy technician at Walgreen's Pharmacy #6872 (the "Pharmacy") located at 2930 N.
17 67th Ave., Phoenix, Arizona.

18 4. On or about May 16, 2014 a consumer was dispensed a prescription from
19 the Pharmacy for azithromycin 200mg/5ml suspension which must be reconstituted prior
20 to dispensing. Respondent dispensed the medication without reconstituting it and failed
21 to alert the pharmacist on duty to provide counseling. The prescription was sold to the
22 consumer at the drive-thru window and the pharmacist on duty did not observe this
23 transaction as he was assisting another consumer at the front counter.
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4. The conduct and circumstances described above constitute unprofessional conduct pursuant in violation of A.A.C. R4-23-402 (A) (11) and A.A.C. R4-23-1104 (A) (5).

3. Respondent shall pay all costs associated with complying with this Consent Agreement.

1 4. If Respondent violates this Order in any way or fails to fulfill the
2 requirements of this Order, the Board, after giving the Respondent notice and the
3 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
4 Respondent's license. The issue at such a hearing will be limited solely to whether this
5 Order has been violated.

6 DATED this 30th day of March, 2014⁵

8 ARIZONA STATE BOARD OF PHARMACY

9 (Seal)

10 By: 

11 HAL WAND, R.Ph.
Executive Director

12 ORIGINAL OF THE FOREGOING FILED
13 this 030 day of March, 2014⁵, with:

14 Arizona State Board of Pharmacy
1616 W. Adams Street
15 Phoenix, Arizona 85007

16 COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
17 this 30 day of March, 2014⁵

18 Lai Le
4651 E. Hazeltine Way
19 Chandler, Arizona 85249
Respondent

20 COPY OF THE FOREGOING MAILED
21 this 30 day of March, 2014⁵, to:

22 Montgomery Lee
Assistant Attorney General
23 1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
24 Attorney for the Board

25 

26 Doc # 4138452